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8 **UNITED STATES BANKRUPTCY COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 In the Matter of:) Case No. 17-42072 CN13
11 Desmond Gumbs,) Chapter 13
12 Debtor.) **Motion to Extend the Automatic Stay as to**
13) **All Creditors.**

14 Debtor Desmond Gumbs, moves the Court for an order to extend the automatic stay as
15 to all creditors past the initial thirty-day period pursuant to 11 U.S.C. § 362(c)(3)(A). This
16 Motion is supported by the Declaration of Desmond Gumbs attached to this motion.

17 1. The Debtor commenced this chapter 13 bankruptcy case on 8/15/2017. The Debtor has
18 had one previous petition pending within a year of filing the current case, and therefore the
19 protection of the automatic stay will expire on 9/14/2017. On 5/30/2017 Debtor filed a chapter
20 13 bankruptcy in pro per, case number 17-41423 (the Prior Case). The Court ordered the case
21 dismissed on 6/26/2017 for failure to file documents.

22 2. The Debtor filed the Prior Case pro per in an effort to save his home on the bad advice
23 of a paralegal and financial advisor. The Debtor did not have time to retain an attorney or to
24 get good advice until now. The Debtor also was given significant misleading information
25 from the loan servicer about the status of his loan modification application and the trustee sale
26 date. The Debtor was under the impression that he had dual tracking protections, and was
27 told by the lender that they would not sell his house while he was pursuing the loan
28

1 modification. The Debtor learned that there was in fact a sale date, and had to file an
2 emergency case.

3 3. The Debtor has filed this case in good faith as to all creditors in order to reorganize his
4 debts and save his home. The Debtor believes he can complete this plan because he is
5 finalizing arrangements to refinance his home loan, and his income is sufficient to fund a
6 chapter 13 plan to resolve his other debts.

7 4. Even though the Debtor's prior case was dismissed for failure to file required
8 documents, and is presumptively filed not in good faith under §362 (c), there was a substantial
9 excuse because he acted on the advice of a paralegal and financial advisor who was advising
10 him in a loan modification and foreclosure avoidance tactics. At that time the Debtor did not
11 have a reason not to trust the financial advisor. But when it became apparent that things were
12 not going well, and that the advisor did not know what he was doing, the Debtor came to see
13 me in an effort to make his case work.

14 a. Debtor has filed several other bankruptcy cases other than that which is listed above,
15 in the last eight years. Case Number 15-42137, pro se chapter 13 filed on 07/07/2015 in
16 Oakland, which was dismissed on 07/27/2015 for failure to file information. Case Number 15-
17 42630, pro se chapter 13 filed on 08/26/2015 in Oakland, and was dismissed for failure to file
18 information on 09/14/2015. Case Number 12-41430, Chapter 7 filed on 02/16/2012 in
19 Oakland, with attorney Marc Voisenat. He received a standard discharge on 03/29/2013.

20 5. Without extension of the stay Debtor believes that his home may be foreclosed upon
21 before Debtor has the opportunity for reorganization under Chapter 13, and for the
22 refinancing to complete.

23 WHEREFORE, the Debtor respectfully requests that the Court enter its order
24 extending the automatic stay as to all creditors under 11 U.S.C. §362(a) for the duration of
25 this Chapter 13 proceeding, or until such time as the stay is terminated under §362(c)(1) or
26 (c)(2), or a motion for relief from stay is granted under §362(d).

27 Dated: August 16, 2017

/s/ Andrew Christensen

28 Andrew Christensen

Attorney for Debtors

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9 **UNITED STATES BANKRUPTCY COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 In the Matter of:) Case No. 17-42072 CN13
12 Desmond Gumbs,)
13 Debtor.) CHAPTER 13
14) Declaration of Debtor in Support of
15) Motion to Extend the Automatic Stay

16 I, Desmond Gumbs, am the debtor in this Chapter 13 case and declare that the facts
17 contained herein are true and correct. I had one previous petition pending within a year of
18 filing the current case. On 5/30/2017 I filed a chapter 13 bankruptcy in pro per, case number
19 17-41423 (the Prior Case). The Court ordered the case dismissed on 6/26/2017 for failure to
20 file documents. I filed the Prior Case pro per in an effort to save my home. I had bad advice of
21 a paralegal and financial advisor. I did not have time to retain an attorney or to get good
22 advice until now. At that time I did not have a reason not to trust the financial advisor. But
23 when it became apparent that things were not going well, and that the advisor did not know
24 what he was doing, I hired my current attorney in an effort to make his case work.

25 My loan servicer mislead me about the status of my loan modification application and
26 the trustee sale date. I thought I had dual tracking protections, and was told by the lender that
27 they would not sell his house while I was pursuing the loan modification. But I learned that
28 there was in fact a sale date, and had to file an emergency case.

I filed two bankruptcy cases in 2015, that were also pro per cases on bad advice of a
paralegal. Case Number 15-42137, pro se chapter 13 filed on 07/07/2015 in Oakland, which
was dismissed on 07/27/2015 for failure to file information. Case Number 15-42630, pro se
chapter 13 filed on 08/26/2015 in Oakland, and was dismissed for failure to file information

1 on 09/14/2015. I had a regular chapter 7 case in 2012 with attorney Marc Voisenat. Case
2 Number 12-41430, Chapter 7 filed on 02/16/2012 in Oakland. I received a standard discharge
3 on 03/29/2013.

4 I filed this case in good faith as to all creditors in order to sort out my debts and save
5 my home. I am finalizing arrangements to refinance my home loan, and my income is
6 sufficient to fund a chapter 13 plan to resolve my other debts.

7 I declare under penalty of perjury that the foregoing is true and correct to the best of
8 my knowledge. Executed at Oakland, California.

9 Dated: 8/16/2017

/s/ Desmond Gumbs
Desmond Gumbs

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